

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA

v.

JOHN J. DIAMONT, JR.

Defendant.

CRIMINAL NO. 05-10154-MLW

DEFENDANT'S MOTION TO IMPOUND HIS MOTION FOR RECONSIDERATION

Pursuant to Local Rule 7.2, defendant John Diamont moves to impound his Motion for Reconsideration of Memorandum of Decision and Order on Motion for Pre-Trial Subpoenas. In support of this Motion, Mr. Diamont states that the Motion for Reconsideration contains information relating to his theory of the case, including his trial strategy and information obtained from confidential witness interviews. Moreover, the entire contents of the Motion for Reconsideration are subject to the attorney work product privilege.

The Court previously granted Motions to Impound for portions of Mr. Diamont's original Memorandum seeking pre-trial subpoenas¹ and for Mr. Diamont's Supplemental Memorandum regarding pre-trial subpoenas,² and it issued part of its Memorandum of Decision and Order on Mr. Diamont's request for pre-trial subpoenas under seal.³ In his Motion for Reconsideration, Mr. Diamont seeks reconsideration of certain aspects of that portion of the Court's Memorandum of Decision and Order that the Court entered under seal. For the same reasons that all of the foregoing memoranda were sealed, the Court should permit Mr. Diamont to file his Motion for Reconsideration under seal. Should the Court deny this Motion to Impound, Mr. Diamont

¹ August 24, 2005, Electronic Order.

² November 1, 2005, Electronic Order.

³ See Doc. #s 33 and 34.

requests that the Court return the Motion for Reconsideration to him rather than place it in the public file.

WHEREFORE, Mr. Diamont asks the Court to impound Defendant's Motion for Reconsideration of Memorandum of Decision and Order on Motion for Pre-Trial Subpoenas and withhold this Motion for Reconsideration from public inspection until further order of the Court.

Respectfully submitted,

JOHN DIAMONT

By his attorneys,

/s/ Lauren M. Papenhausen
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December 13, 2005

CERTIFICATION PURSUANT TO LOCAL RULE 7.1(A)(2)

Pursuant to Local Rule 7.1(A)(2), the undersigned counsel for defendant John Diamont hereby certifies that defense counsel have conferred with counsel for the government and have attempted in good faith to resolve or narrow the issue presented in this Motion.

/s/ Lauren M. Papenhausen